

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-v-

KENNETH GARCIA,

Defendant.

**WAIVER OF RIGHT TO NON-DISCLOSURE OF PRE-SENTENCE REPORT**

**No. 19 Cr. 793 (JMF)**

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I am aware that I have been charged with violations of federal law. I have consulted with my attorney about those charges. I have decided that I wish to enter a plea of guilty to certain charges. I understand that a United States Probation Officer must conduct a presentence investigation into my background and submit a report to the Court before it imposes a sentence, unless a limited exception applies. I understand that I do not qualify for one of those exceptions and that a United States Probation Officer will prepare a presentence investigation report about me. I understand that, under Federal Rule of Criminal Procedure 32(e), the probation officer is not permitted to disclose my presentence report to anyone, including the Court, until I have formally pleaded guilty, unless I consent to such disclosure in writing. I understand these rights and hereby consent in writing to the disclosure of the probation officer's presentence investigation report in this case to the Court and to the Government prior to my entry of a formal guilty plea.

Date: August 31, 2020 Kenneth Garcia  
Print Name

  
(Attorney for Kenneth Garcia)

\_\_\_\_\_  
Signature of Defendant (or Authorized Person)

I hereby affirm that I am aware of my obligation to discuss with my client the charges against my client, the potential consequences of pleading guilty to some or all of the charges, and my client's right, before his guilty plea is entered, to absolute privacy in the contents of the probation officer's presentence investigation report absent my client's written consent. I affirm that my client knowingly and voluntarily consents to the disclosure of his presentence report to the Court and to the Government before he formally enters a guilty plea.

Date: August 31, 2020 Andrew Dalack  
Print Name

  
\_\_\_\_\_  
Signature of Defense Counsel

Accepted:

  
\_\_\_\_\_  
THE HONORABLE JESSE M. FURMAN  
UNITED STATES DISTRICT JUDGE

Date: September 1, 2020

The Clerk of Court is directed to terminate ECF No. 28.